

Re:	)	
	)	
THE THAXTON GROUP, INC.	)	Case No. 8:04-2612-13
SECURITIES LITIGATION	)	
	)	
	)	
Official Committee of Unsecured	)	
Creditors of the Thaxton Group, Inc.	)	8:04-22275-13
	)	
Plaintiff,	)	Originally filed in the United States
	)	Bankruptcy Court for the District of
vs.	)	Delaware, Adv. Proc. No. 04-53129.
	)	
FINOVA Capital Corporation,	)	
	)	
	)	
Defendant.	)	

## ORDER REFERRING THE ADVERSARY PROCEEDING TO THE PANEL FOR MULTIDISTRICT LITIGATION WITH SUGGESTION OF REMAND

On motion by the Official Committee of Unsecured Creditors (Committee) of the Thaxton Group, Inc., the Court refers the above-listed Adversary Proceeding to the Panel for Multidistrict Litigation with suggestion of remand, pursuant to MDL Rule 7.6(c)

## DISCUSSION

Section 1407 directs the MDL Panel to remand, after appropriate pretrial proceedings, actions not filed or terminated in the transferee court to the respective transferor courts for further proceedings and trial. 28 U.S.C. § 1407(a); *Lexecon v. Milberg Weiss Bershad Hynes & Lerach*, 523 U.S. 26, 35 (1998). In addition, the MDL Panel's Rule 7.6 provides that, "The Panel shall consider remand of each transferred

action. . . at or before the conclusion of coordinated or consolidated pretrial proceedings on (i) motion of any party, (ii) suggestion of the transferee district court, or (iii) the Panel's own initiative, by entry of an order to show cause, a conditional remand order or other appropriate order." MDL Panel Rule 7.6(c) (emphasis added).


Pretrial proceedings in the Adversary Proceeding are at an end. Discovery is completed, and the Court has ruled on the parties' motions for summary judgment. The Adversary Proceeding is ready to be referred by this Court to the MDL Panel with a suggestion for remand by the MDL Panel to the United States District Court for the District of Delaware.

#### **DISPOSITION**

Based on the forgoing, this Court therefore refers the Adversary Proceeding to the Panel for Multidistrict Litigation and suggests the following:

1. The following Adversary Proceeding should be remanded to its transferor court in United States District Court for the District of Delaware.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "G. Ross Anderson, Jr.", written over a horizontal line.

G. ROSS ANDERSON, JR.  
UNITED STATES DISTRICT JUDGE

May 22, 2006